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**PATENT**  
Attorney Docket No. 500991  
Client Reference No.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mary Swaab

Art Unit: 1732

Application No.: 09/714,318

Examiner: Stefan Staicovici

Filed: November 16, 2000

For: METHOD FOR BLENDING AND  
FABRICATING PERSONALIZED  
LIPSTICK

**NOTICE OF APPEAL FROM THE  
EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 15, 2004, rejecting the following claims: 1-13, 19-37, 39-42 and 44-49.

The items checked below are appropriate:

**1. Status of Applicant**

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

**2. Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: ☒ other than a small entity or ☐ a small entity.

09/20/2004 DENMANU1 00000054 121216 09714318

**Notice of Appeal Fee due \$330.00**

01 FC:1401 330.00 DA

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**CERTIFICATE OF MAILING**

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 14, 2004

In re Appln. of Mary Swaab  
Application No. 09/714,318

**3. Extension of Time**

- ☐ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00.
- ☐ An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**Extension fee due with this request: \$**

**4. Total Fee Due**

The total fee due is:

Notice of Appeal Fee	\$330.00
Extension Fee (if any)	\$ 0.00

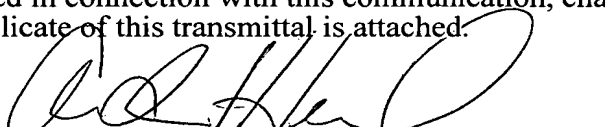
**Total Fee Due: \$330.00**

**5. Fee Payment**

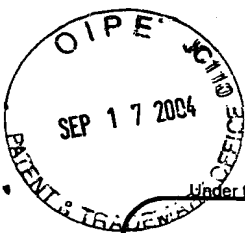
- ☒ Charge Account No. 12-1216 the sum of \$330.00. A duplicate of this transmittal is attached.

**6. Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

  
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Andrew J. Hejnisch, Reg. No. 43666  
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Date: September 14, 2004



PTO/SB/21 (02-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/714,318
	Filing Date	November 16, 2000
	First Named Inventor	Mary Swaab
	Art Unit	1732
	Examiner Name	Stefan Staicovici
Total Number of Pages in This Submission	Attorney Docket Number	500991

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Andrew J. Heinisch Leydig, Voit & Mayer, Ltd.
Signature	
Date	September 14, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Joan Condon		
Signature		Date	September 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.